

**MINUTES OF THE MEETING OF THE
CITY OF SEAFORD MAYOR AND COUNCIL**

November 26, 2013

7:00 PM

Acting-Mayor David Genshaw called the Regular Meeting to order with the following present: Councilwoman Leanne Phillips-Lowe, Councilwoman Pat A. Jones, Councilwoman Grace S. Peterson and Councilman J. Rhea Shannon. Dolores J. Slatcher, City Manager, and Charles Anderson, Assistant City Manager, were also present.

Councilwoman Peterson offered the opening prayer and Acting-Mayor Genshaw led those present in the Pledge of Allegiance.

Acting-Mayor Genshaw solicited changes to the agenda. City Manager Slatcher stated that there were none.

Acting-Mayor Genshaw called for a motion to approve the Minutes of the Regular Meeting of November 12, 2013. Councilwoman Jones made the motion to approve the minutes of November 12, 2013. Councilwoman Peterson seconded the motion. The motion so passed with all present voting in favor.

Acting-Mayor Genshaw invited Mr. John Hollis to come forward to present the VIP award from Sussex Outdoors and from the Governor along with Senator Venables. Mr. Hollis congratulated the City of Seaford on this accomplishment and all of the work that they are doing to promote a healthy lifestyle. Representative Short and Senator Venables also came forward to congratulate the Mayor and Council on their accomplishment and to present them the award.

Acting-Mayor Genshaw closed the Regular Meeting at 7:07 and opened the Public Hearing.

PH#1- Building Official Littleton presented Public Hearing #1, The Residences at Riverplace, LLC, with the consent of the property owners, Nanticoke Memorial Hospital, Inc., of the lands located on S. North St. at Tax Map #4-31-5.00 Parcels 318.00, 322.00, 323.00, 323.01, 324.00, are seeking a preliminary site plan approval for a residential apartment building and related site amenities to be constructed on the above location. Building Official Littleton explained that these parcels, along with the lands of phase 1 and 2, will be combined into one lot. Mr. Littleton stated that Nanticoke Memorial Hospital, Inc. has given consent to The Residences at Riverplace, LLC to apply for a preliminary plan approval for Phase 3.

The project is zoned C-3 Riverfront Enterprise Zone. Mr. Littleton stated that Phase 3 is for a proposed third apartment building consisting of 73 units, site amenities including a 1,000 sq. ft community building. The design of the building will be similar to Phase 1 & 2 located on Water Street. There will also be 86 off-street parking spaces provided. He added that the project will include the relocation of the City's Interceptor sanitary sewer.

Mr. Littleton explained the code requirements for this project. The building height requirement is 50' max or 4 stories and the proposed amount for this project is 6 stories including the ground floor measuring 75' +/- at the south end and measuring 60 +/- at the north end. The code requires 2 parking spaces per dwelling unit which equals 146 off street spaces. This project is proposing 1.18 spaces per dwelling units in the amount of 86 off street spaces plus 9 spaces along North Street.

This project meets all of the density requirements by the code. Mr. Littleton added that the project will require approvals from DNREC for sanitary sewer, DHSS from the Office of Drinking Water, Sussex Conservation District for the storm water, Office of the State Fire Marshal for the site and building and the Army Corps of Engineers for the wetland work.

Mr. Keith Fisher and Mr. Brock Parker, engineers for the project came forward to answer any questions. Councilwoman Phillips-Lowe said that she had a concern with the parking and the issues that it would cause the residents. Mr. Parker stated that they are planning to widen the street and provide underground parking as well in order to create as much parking on site that is possible. They have looked at numerous ways to create parking and at this point they feel that they

have provided everything that they can fit into the site. They are also planning to have dedicated parking just for the area of the canoe launch for those people that use that facility. With no other questions, Acting-Mayor Genshaw closed the Public Hearing at 7:30 p.m. and re-opened the Regular Meeting.

Building Official Littleton presented the Finding of Facts for P.H. #1:

- The preliminary plan review is for an apartment building & site amenities including community building;
- The property is located on S. North St. & identified as Tax Map and Parcels 431-5.00 318.00; 322.00; 323.00; 323.01; 324.00;
- Zoning is C-3;
- The project will be required to comply with the area and bulk requirements for the district; and waivers are requested from City Council for Building Height, Density, Units per building, units per acreage & parking.
- The project will require approvals from:
 - DNREC – sanitary sewer
 - DHSS- Office of Drinking water
 - Sussex Conservation District – Storm water
 - Office of the State Fire Marshal – site and building
 - Army Corps of Engineers- wetland work

Planning and Zoning recommends approval of the preliminary plan

Acting-Mayor Genshaw called for a motion. Councilwoman Phillips-Lowe made a motion to approve as presented the preliminary site plan for the Residences at Riverplace, LLC for a residential apartment building and related site amenities to be located on Tax Map 4-31-5.00; parcels 318.00, 322.00, 323.00, 323.01, and 324.00 located on S. North Street with the exception that they meet the 2 parking spaces per dwelling unit. Councilwoman Peterson seconded the motion; motion so passed with all present voting in favor.

Acting Mayor Genshaw then called for a Roll Call Vote:

Councilwoman Phillips-Lowe voted in favor based on the Findings of Facts;
Councilwoman Jones voted in favor based on the Findings of Facts;
Councilwoman Peterson voted in favor based on the Findings of Facts;
Councilman Shannon voted in favor based on the Findings of facts.
Acting-Mayor Genshaw voted yes, based on the Findings of Facts.

Acting-Mayor Genshaw confirmed that the motion passed with all voting in favor.

City Manager Slatcher presented New Business # 1, Harriet Tubman Monument Committee Steering Committee to present their request to place monument and marker in Gateway Park.

Mr. Quick stated that in October, 1856, Harriet Tubman, an escaped slave herself, led a slave named Tilly to freedom utilizing an Underground Railroad route through Seaford, DE. "Tilly's Escape" was thoroughly researched by Jim Blackwell, a member of the committee and of the Seaford Historical Society. Last summer, Mr. Blackwell submitted an application to include Tilly's Escape in the National Parks Service's Underground Railroad Program Network to Freedom. It documented Harriet Tubman and Tilly's Underground Railroad escape through Seaford's Riverwalk and Gateway Park. The application was accepted and Seaford's Gateway Park and Riverwalk are now officially on the Underground Railroad escape map. This is the only documented Harriet Tubman led escape through the headwaters of the Nanticoke River. The State of Delaware is preparing a historical marker to be placed at Seaford's Gateway Park. There were some members of the committee along with Councilwoman Leanne Phillips-Lowe, City Manager Slatcher, Assistant City Manager

Anderson and Ms. Kate Fair (Delaware State Archives) that met in Gateway Park on the matter of the marker.

The committee has two locations that they are proposing for the placing of the monument the first one is near High Street Sidewalk and the other one is near the foundation. The monument will be a granite material with a color to be determined with the dimensions being 4 ft. high 2 ft. wide and 2 ft. deep. The text is to be determined but will include the primary supporters of the monument project.

Mr. Quick stated that the cost of the monument is estimated to be from \$8,000.00 to \$10,000.00. The committee is planning to have funding through community fundraising through Eastern Shore AFRAM Festival, Inc. (a 501 c 3 corporation). Mr. Quick advised that he has spoken with a monument company that stated that their lifetime warranty registered in the name of the City of Seaford would be honored in perpetuity. The actual terms of warranty will be determined based upon the vendor.

The committee has six questions for the Mayor and Council this evening. The first question is will the basic design parameters of the monument meet the City code? If not, will the City Council authorize the project to proceed pending compliance with City codes? The second question is to discuss with the City a workable and specific location for placement of the monument. The committee is willing to meet during business hours at a time and date convenient to the City of Seaford. The third question is does the City of Seaford have a desire to assist financially or with the construction/placement of the marker. The fourth question is that the committee would like to establish a point of contact with the City for this project as to who they should contact. The fifth question is there any additional information requested from the Harriet Tubman Committee by the City of Seaford. The last question is when the committee should expect a reply from the City Council of this request. City Manager Slatcher stated that the Council and staff will look at the request and will have it placed on the next Council agenda, December 10th for discussion.

City Manager Slatcher presented New Business #2, Bids – New line truck in the electric department. There were two bids received for this bid. City Manager Slatcher stated that Supt. of Electric, Bill Bennett reviewed the two bids, it was found that the lower bidder was not able to meet the lifting capacity. This is needed to lift the large pad mount transformers and place them on their trailers to place them on the job site pad. It is being recommended to go with Altec with a base price of \$203,123.00 and they will be giving us \$5,000.00 for the trade-in, making the net bid in the amount of \$198,123.00. Councilwoman Peterson made a motion to award the bid to Altec in the amount of \$198,123.00 for the new digger truck in the electric department and to allocate funding in the FY15 Budget which may include a loan for this truck. Councilwoman Phillips-Lowe seconded the motion; motion so passed with all present voting in favor.

City Manager Slatcher presented New Business #3, Bids – Sidewalk and Curb for Delaware Teen Challenge. There were six bids received for this project with Totoro Concrete being the low bidder in the amount of \$13,560 base bid and the alternate bid in the amount of \$1,500. After contacting them and getting references, the work that they referenced was in 2009 or prior years and was all in either New Jersey or Pennsylvania and they also added that they have never done work in Delaware before. The second low bidder was Clean Cut who has done work for the City of Seaford in the past at Soroptimist Park. They were easy to work with and completed the job as required with ease. Since they are located in Sussex County, Delaware it will be easier to rely on them for warranty and repair their work should the need arise after the job is completed. Berley Mears, Director of Public Works is recommending to award the bid to Clean Cut Interlocking Pavers and also accepting the alternate bid to place four inches of GABC under the new sidewalk in the amount of \$2,000 making the total bid in the amount of \$15,860. Councilwoman Phillips-Lowe made a motion to award the bid to Clean Cut Interlocking Pavers in the amount of \$15,860 for the replacement of sidewalk and curb at Delaware Teen Challenge's new building on the corner of North and Third Streets with funding provided by the Community Trust Fund. Councilwoman Jones seconded the motion; motion so passed with all present voting in favor.

City Manager Slatcher presented New Business #4, Request for non-budgeted funds to purchase needed wire for projects in the electric department. City Manager Slatcher stated that Bill Bennett, Supt. of Electric is requesting additional funds in the amount of \$11,000 to purchase 2 reels of 1/0 underground primary wire. This is in order to have the stock ready for some projects that are coming up that will need the materials. There have been some projects that have been completed

that were not projected that have used the wire that was in stock. Councilwoman Peterson made a motion to authorize the electric department to purchase 2 reels of 1/0 underground primary wire at an estimated cost of \$11,000 and to use the Realty Transfer Tax Reserve to pay for this expense. Councilman Shannon seconded the motion; motion so passed with all present voting in favor.

City Manager Slatcher presented New Business #5 – Submit for approval the write-off of the loan on the Sports Complex with Sussex County Sports Foundation. City Manager Slatcher explained that June Merritt, Director of HR/Finance is requesting to write-off as uncollectible the Note Receivable from the Sussex County Sports Foundation (David G. Horsey) in the amount of \$107,833.49. She added that they have not made a payment since September 2011. There have been multiple attempts to collect the amount but none have been successful. This note is the result of an agreement in 2007 between the Sussex County Sports Foundations (SCSF) and the City of Seaford. The agreement was for multiple improvements to the sports complex which included soccer fields, sidewalks and curbing, parking lot paving, lighting on the fields, and a concession stand with a commercial kitchen. The loan was amended effective April 1, 2011 and the interest was reduced to 0% which made the monthly payment \$986.63. As owner and benefactor of the sports complex and improvements, the City will continue to make payments to Sussex County until the loan is paid in full. City Manager Slatcher added that this has been a great asset to the City and the soccer program has come along to use the facility which has also brought some funds in. Councilman Shannon made a motion to write-off the Sussex County Sports Foundation receivable due in the amount of \$107,833.49. Councilwoman Jones seconded the motion; motion so passed with all present voting in favor.

City Manager Slatcher presented New Business # 6 – Present for the first reading an ordinance to amend Chapter 5, of the Municipal Code of Seaford, Delaware relating to “Business”.

City Manager Slatcher presented New Business #7 – Present for the first reading an ordinance to amend Chapter 8, of the Municipal Code of Seaford, Delaware relating to “Morals and Conduct”

City Manager Slatcher presented New Business #8 – Present information for potential grant funding to write a template for Continuity of Business and purchase security cameras. City Manager Slatcher stated that City staff has been approached by the Delaware League of Local Governments about working with a consultant to prepare a template for Municipals to use in planning their continuity of business in the event of a disaster that would impact their Administrative operations. The expectation is funds would be allocated to Seaford for this project. It is estimated to cost about 25 to 40 thousand to prepare. A grant of approximately 80 thousand would be appropriated to Seaford with the balance of funds authorized to be used for security cameras to be installed at some of our facilities such as Utility Buildings, wells, substations, and City Hall. She added that it is being looked at to eventually camera the Sports Complex because of increased vandalism at the Jay’s Nest and Concessions area. If Seaford would be awarded the project it would have to be completed and paid for by June 30, 2014. The grant funding reallocation meeting will be held on December 9th. It was agreed to move forward and pursue this opportunity.

City Manager Slatcher presented New Business #9 – Present project information for the Route 13 Intersection Improvements and electrical upgrades on Stein Highway. City Manager Slatcher explained that the Del DOT Intersection Improvement project will include widening the intersections at Tharp Road, Norman Eskridge Highway, Middleford Road, and Concord Road and are anticipated to start on March 3, 2014. The contract period is 236 calendar days with 40 weather days and Mumford-Miller will be the contractor. The pre-road work requires the relocation of electrical utilities. She also stated that the City of Seaford is accepting bids for its relocation work on December 3rd at 2 p.m. and will present them to Council on December 10th for approval with full reimbursement from DelDOT. It is anticipated the Seaford Electrical contractor and DP&L will have all of their work completed on or before March 3, 2014. It was requested not to begin work at the Tharp and Norman Eskridge Highway intersections until after January 2, 2014 due to the impact on the community at the holiday season which is being honored. There may be some minor work such as surveying for stack and grade and grubbing of certain areas to facilitate the relocation work during the interim period.

City Manager Slatcher also gave an update on the DPL Stein Highway project that will occur in 2014. They are preparing to upgrade their power lines from the west side of Stein Highway bridge west past the City limits. Seaford shares poles with DPL and has an opportunity to upgrade its

distribution lines and relocate them in conjunction with the DPL project. Based on the inspection of the poles by Seaford it has been determined that 26 of the 30 poles have to be replaced by Verizon, the owner, to facilitate DPL upgrade so Verizon is planning to replace all poles and reattach their facilities along with Comcast reattaching their facilities. Seaford will be bidding this project to an electrical contractor in spring, 2014 and purchase the materials for the upgrade. This project will be included in the FY2015 budget. All parties have agreed to hold the project start date until after school has ended for this year to minimize disruptions as much as possible. However one travel lane will be closed west bound on Stein Highway to accommodate the work once it starts. Seaford will notify businesses and residents impacted by the relocation work in advance. Both projects are needed to enhance services in the community and Seaford has been working in concert with DelDOT, Delmarva Power, Verizon and Comcast on these projects.

City Manager Slatcher presented Old Business #1 – Present for second reading and adoption of an ordinance to amend Chapter 1, of the Municipal Code of Seaford, Delaware relating to “General Provisions”. Councilwoman Phillips-Lowe made a motion to adopt an ordinance to amend Chapter 1, of the Municipal Code of Seaford, Delaware relating to “General Provisions”. Councilwoman Jones seconded the motion; motion so passed with all present voting in favor.

City Manager Slatcher presented Old Business #2 – Present for second reading and adoption an ordinance to amend Chapter 2, of the Municipal Code of Seaford, Delaware relating to “Administration”. Councilman Shannon made a motion to adopt an ordinance to amend Chapter 2, of the Municipal Code of Seaford, Delaware relating to “Administration”. Councilwoman Peterson seconded the motion; motion so passed with all present voting in favor.

City Manager Slatcher presented Old Business #3 – Present for second reading and adoption an ordinance to amend Chapter 3, of the Municipal Code of Seaford, Delaware relating to “Animals”. Councilwoman Peterson made a motion to adopt an ordinance to amend Chapter 3, of the Municipal Code of Seaford, Delaware relating to “Animals”. Councilwoman Phillips-Lowe seconded the motion; motion so passed with all present voting in favor.

City Manager Slatcher presented Old Business #4 – Present for second reading and adoption an ordinance to amend Chapter 7, of the Municipal Code of Seaford, Delaware relating to “Health”. Councilwoman Jones made a motion to adopt an ordinance to amend Chapter 7, of the Municipal Code of Seaford, Delaware relating to “Health”. Councilwoman Peterson seconded the motion; motion so passed with all present voting in favor.

City Manager Slatcher presented Old Business #5 – Present for second reading and adoption an ordinance to amend Chapter 18, of the Municipal Code of Seaford, Delaware relating to “Realty Transfer Tax”. Councilwoman Peterson made a motion to adopt an ordinance to amend Chapter 18, of the Municipal Code of Seaford, Delaware relating to “Realty Transfer Tax”. Councilwoman Phillips-Lowe seconded the motion; motion so passed with all present voting in favor.

REMINDER OF MEETINGS & SETTING NEW MEETINGS

- City Offices closed Thursday, November 28 and Friday, November 29 for the Thanksgiving Holiday
- Caroling in Gateway Park, Monday, December 2nd at 7 p.m. (Please bring a canned food with a current use date to share with those in need) Rain date will be December 6th
- SCAT dinner meeting at Victoria’s in Rehoboth Beach on Wednesday, December 4th at 6 p.m.
- Staff Christmas breakfast at Pizza King on Wednesday, December 11th at 7:30 a.m.
- Police Christmas breakfast at Pizza King on Thursday, December 12th at 8:30 a.m.
- Employee Christmas Dinner party at SVFD banquet hall on Saturday, December 14th at 6 p.m.

COMMITTEE REPORTS

Councilman Shannon reported that the department will be doing some shopping center patrols during the holiday season with grant money that has been received. A testing date

has been set for January 4th for the Police Officer position. The department will also be conducting DUI patrols and wants to remind everyone to be safe and careful during the holiday season.

Councilwoman Jones wished everyone a Happy Thanksgiving.

Acting-Mayor Genshaw reported that football season is over. Sign-ups are currently underway for wrestling and basketball. The parks department has finished winterizing all of the irrigation.

Councilwoman Phillips-Lowe reported that the leaf machine and street sweeper have been out and running. There was a fire hydrant recently hit on High Street by City Hall that Public Works is working on replacing. The Public Works department has also completed fog inspections and boarded up two properties. The WWTF is running well and a new employee, Ryne Wood will be starting on December 2nd. The Code department has sent out 15 violation letters, written 2 work orders and issued 8 building permits. She also added that there have been properties bought around the City that are being brought up to code from being condemned. After tonight's first readings there are only 2 chapters left in the code book for recodification. Trisha Newcomer, Economic Development Manager has recently attend the Chamber economic development meeting and Sussex County broadband class. She is also preparing for Caroling in the Park next Monday night.

Councilwoman Peterson reported that Rick Garner, Electrical Engineer has been working on Riverplace Apartments and DelDOT 13 Intersection Improvement information along with the generator bid. The electric department has recently replaced meters in 4 buildings at Woodland Mills. They have also set a transformer at Gardner Gibson. They also assisted with putting up the Christmas tree in Gateway Park. They have pulled wire out to Stoneybrook in preparation for the next building. She was also happy to report that there have been no outages since last meeting.

Acting-Mayor Genshaw added that he would like to thank all of the employees that have helped put up Christmas decorations around the City. He also wished everyone a blessed and Happy Thanksgiving.

With no further comments, Acting-Mayor Genshaw called for a motion to close the Regular Meeting of Mayor and Council. Councilwoman Jones so moved. Councilwoman Phillips-Lowe seconded the motion and the motion so carried with all present voting in favor. Acting-Mayor Genshaw closed the meeting at 8:20 p.m.

Dolores J. Slatcher, City Manager

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